RAJYA SABHA

Thursday, the 21th February, 1986
8 *Phalguna,* 1907 *(Saka).*

The House met at eleven of the clock. Mr. Chairman in the Chair.

ORAL ANSWERS TO QUESTION

Sietting Cf territorial dispute between Punjab and Haryana

*61. SHRl N. E. BALARAM:
SHRI I INDRADEEP SUNHA.t Will the Minister of HOME AFFAIRS be pleased to state;

(a) whether the Mathew Commission submitted its report to Government on the 25th January, 1986;

(b) if so, what are the main findings *uuteot;*

(c) whether efforts have been made to settle the dispute between Punjab and Haryana in the matter of transferring, Chandigarh to Punjab and certain Hindi speaking areas to Haryana; and

(d) if so, what are the details in this regard?

THE MINISTER OF HOME AFFAIRS (SHRI S.'B. CHAVAN), (a) Yes, Sir.

(b) The Mathew Commission has identified 83 villages and 2 towns in the Fazilka-Abohar areas of Punjab as Hindi-speaking but haj not recommended their .ansfei to Haryana on account of the criterion of contiguity not being satisfied. Tie Commission has observed that "it is or the Government of India to take uch steps as it deems fit including the opointment. of a commission to give ect to the general intention of Smt. lira Gandhi to transfer some Hindi-waking territories in Punjab to Haryana ; *lieu* of Chandigarh."

(c) and (d) Discussions have been -Id with the Chief Ministers of Punjab nd Haryana with a view to deciding the urther coiwse of action.

†The question was actually asked on he floor of the House by Shri Indra'deep Sinha.

1925 RS— 1.

SHRI INDRADEEP SINHA: Sir, the answer given by the hon'ble Minister is incomplete in one important respect. The Mathew Commission recommended to the Government to uike such action us iL deems fit. It did not debar or prevent the Government from deciding the issue itself. Because of a certain clause in the terms of reference, the Mathew Commission felt that it could not take a decision under those terms of reference but the Government was free take a decision. Why have the Government not taken a decision? And if they have tiken ;my decision, what is that decision?

SHRI S. B. CHAVAN; Sir. I believe, the hon'ble Member knows about the details of the Accord which prescribes three criteria for coming to any kind of decision. The difficulty which the Mathew Commission faced in coming to a decision, the same difficulty is also with the Government and that is why, we thought it necessary to see if we can reach some kind of settlement with both ihe Chief Ministers. That course is being followed and we are trying to see within these parameters, suppose, if any Commission is to be appointed, what terms of reference should be prescribed for the new Commission so that the same kind of difficulty may not be faced as the Mathew Commission had faced earlier.

SHRI INDRADEEP SINHA. Sir, this is a very strange reply. Both Punjab and Haryana ate within the India Union. Here, we are not dealing with international frontiers, boundaries of independent countries. Here we are dealing with boundaries of States within the Indian Union. I do not see what is the difficulty in transferring the 83 villages and the two towns to Haryana because contiguity exists inside the Indian Union Rajasthan is there. Tt is not a question of two independent countries and if contiguity is felt necessary, what is the difficulty in transferring one village or two villages from Rajasthan to Haryana in order to get that contiguity.

SHRI S. B. CHAVAN; Sir, I wish the things were so simple as tfie hon'ble Member tried to put forth here. I am sure, the hon'ble Member is aware of the fact

that what kiry of sentiments hav$_e$ been expressed by the two State Governments. In spite of the Mathew Commission, the way they ar$_e$ talking is a clear indicator that if we try to impose anything, I do not think it i$_s$ going to realised.

श्री सुशील चन्द महन्त : मैं यह कहना चाहता हूं आप से कि 1970 में ,जब लेट प्राइम मिनिस्टर ने चंडीगढ़ को एवार्ड किया था पंजाब को उस समय एक प्रेशर था 'सेन्ट्रल गवर्नमेंट के ऊपर क्योंकि संत फतेहसिंह पारह अनट् डैथ की धमकी दे रहे थे ।

MR. CHAIRMAN: Time up. बात थी उस समय । शाह कमीशन ने चंडीगढ़ को हरियाणा को दिया था लेकिन बाद में फैसला हुआ कि वह चंडीगढ़ पंजाब को दे दिया जाये टू सेव दि लाइफ आफ संत फतेहसिंह । फाजिल्का हिन्दी स्पीकिंग एरिया था और कुंडूखेड़ा की वजह से कांटीगुइटी टूटने की वजह से--कुंडूखेड़ा मुक्तसर तहसील का यूनिट था और वह दूसरा यूनिट था इसी लिये --

The Shah Commission felt unable to grant Fazilka and Abohar to Haryana because of the obstacle created by Khandukhera.

बाद में एक एग्रीमेंट पर दस्तखत हुए जिस की अंदर चेयरमैन एस जी पी सी,

श्री सुशील चन्द महन्त : संत चंदन सिंह और उस वक्त की अकाली पार्टी के लेजिस्लेचर के लीडर सरदार गुरनाम सिंह और प्रकाश सिंह बादल, जो बाद में चीफ मिनिस्टर हुए और संत करतार सिंह और जितने अकाली नेता थे सबने फैसला किया था कि एक दो गांव की वजह से अगर अबोहर और फाजिल्का की कांटीगुइटी टूटती है तो उस को आब्स्टेकल नहीं माना जायेगा और इसके लिये लोकल एम. पीज. ने एक मेमोरेंडम दिया था मैथ्यू कमीशन को और जिसकी फोटोस्टेट कापी आप को दी गयी थी और उस समय आप ने कहा था कि मैथ्यू कमीशन अभी फैसला कर रहा है, उसके बाद देखा जायेगा । तो क्या उस एग्रीमेंट की बेसिस पर अबोहर और फाजिलका हरियाणा को नहीं दिया जा सकता क्योंकि यह 83 गांवों की बात है और केवल एक गांव की वजह से कांटीगुइटी की रुकावट न समझी जावे ।

SHRI S. B. CHAVAN; This is a matter of opinion. Ultimately we will have to go by what the Mathew Commission has stated. Whatever be th$_e$ past history, ultimately we will have to go by what the present state of affairs is in both the States. If both the State Governments are prepared to honour the agreement which wa$_s$ arrived at in 1970 or 1971, certainly there is 110 difficulty. I do not think, that this is a fact now.

श्री हरबेन्द्र सिंह हंसपाल : एग्रीमेंट के टर्म्स में कुछ ऐसा है कि दैट सम हिन्दी स्पीकिंग एरियाज बिल बी ट्रांसफर्ड टू हरियाणा इन ल्यू आफ चंडीगढ़ । तो ऐसा लगता है कि मैथ्यू कमीशन सिर्फ फाजिलका और अबोहर पर स्टिक कर गया । तो मैं मंत्री महोदय से यह जानना चाहूंगा कि क्या मैथ्यू कमीशन ने और एरियाज जो हिन्दी स्पीकिंग एरियाज हैं और कांटीगुअस हैं उन के बारे में कुछ सोचा है या नहीं सोचा हरियाणा को ट्रांसफर करने के लिये । अगर नहीं सोचा तो क्यों नहीं सोचा और अगर सोचा तो क्या नहीं सोचा और अगर सोचा है तो उसके बारे में उन्होंने क्या कहा?

श्री एस. बी. चव्हाण : जहां तक मेरी जानकारी है मैथ्यू कमीशन के सामने दोनों स्टेट गवर्नमेंट्स की तरफ से जो केस पुट अप किया गया था वह अबोहर और फाजिल्का के बारे में 13 विलेजेज जो पंजाब ने आफर किये थे कि यह हिन्दी स्पीकिंग विलेजेज हम हरियाणा को देने के लिये तैयार है, हरियाणा ने उसको मानने से इन्कार कर दिया । अब उन्होंने अपने को अबोहर और फाजिलका की हद तक क्यों महदूद किया और बाकी एरियाज को क्यों नहीं देखा इसके बारे में मैथ्यू कमीशन की क्या थिंकिंग थी उसकी कोई जानकारी मेरे पास नहीं है ।

SHRI SUKOMAL SEN. Sir. in regard to tbe Punjab accord, in regard to the transfer of Hindi-speaking areas to Haryana, the principle of contiguity and village as the unit were accepted. Now I

would like to know whether during the signing of the accord, the Prime Minister was aware of the fact that the Khandukhera village which falls between the Abobar and Fazilka area of Punjab and Haryana is a Punjabi-speaking village. 1 an asking this question because I find that the Mathew Commission was allowed to *go* inlo a futile exercise of locating whether there are Hindi-speaking villages in the Abohur-Fazilka area knowing full well that even if there are Hindi-speaking area$_s$ i$_n$ the Abohar-Fazilka area, those could not be transferred to Haryana because this "Khandukhera which is a Punjabi-speaking village stand$_s$ in the way. Then why was this Mathew Commission allowed to go into thi$_s$ exercise which has created so much of complication in regard to the implementation of the accord?

SHRI S. B. CHAVAN: Sir, when this accord wa$_s$ signed, Government did not (haye any pre-conceived ideas as to which villages need to be transferred to Haryana Or Punjab and that if this village is going to stand in the way; we should frame the terms of reference in such $_a$ manner that what we have in view is realised. Government did no; have any preconceivedi ideas about it. It left the entire thing io the Commission which, wa$_s$ to be appointed. Justice Mathew thereafter came to the conclusion "that so fa$_r$ as Abohar and Fazilka are concerned the principle of contiguity cannot be observed because of the fact that Kandu Khera Ji a predominantly Punjabi-speaking village and that is why if these three principles have to be applied, then 83 villages and two towns which are predominantly Hindi-speaking but still they cannot be transferred to Haryana. So, I don't think that we had in view that this is the area which need to be transferred to Haryana and accordingly we framed the lerms of reference, That is not a fact.

SHRI KAPIL VERMA: It is very good that the Government is trying to bring about a solution between the two Chief Ministers. But passions are rising in both the States. Can the Government give any indication whether it has any time-frame in mind beyond which it will not wait and it will take other steps because passions ar$_e$ rising? Will the Government reassure the House that the transfer of Chandigarh" to Punjab will be simultaneous with the transfer of Hindi-speaking areas?

SHRI S. B. CHAVAN. I believe the honourable Member is aware of the fact that Chandigarh can be transferred to Punjab and our position is very clear on that issue. At the sam$_e$ time, in lieu of Chandigarh $_s$ome Hindi-speaking villages also have to be transferred to Haryana and both these things have to happen simultaneously. We ar$_e$ trying our level best to bring both parties together and reach an agreement. If that is not possk ble. then the other alternative is il can possibly agree on some terms of reference by which the $_s$ame difficu'ty which th$_e$ Mathew Commission faced will not arise again.

श्री सत्य प्रकाश मालवीय : मान्यवर, पंजाब समझौता जुलाई 24 को हुआ था और इसके अनुछेद 7 में दे रखा है कि श्रीमती इंदिरा गांधी की हमेशा यह इच्छा रही कि चंडीगढ़ पंजाब को दिया जाए और पंजाब के हिन्दी भाषी क्षेत्रों को हरियाणा को दिया जाए। मैथ्यू कमीशन ने भी सरकार से कहा है कि वह अपने कार्य को टर्म्स आफ रेफरेंस के द्वारा पूरा नहीं कर पाए हैं। जो सरकार को जो उसने सिफारिश की है कि हिन्दी भाषी क्षेत्रों को हरियाणा को ट्रांसफर किया जाए और उन्होंने यह भी सुझाव दिया है कि यदि सरकरे उचित समझे तो दूसरा आयोग नियुक्त कर सकती है। तो मेरा प्रश्न यह है कि क्या सरकार मैथ्यू कमीशन की सिफारिश को ध्यान में रखते हुए और श्रीमती इंदिरा गांधी की इच्छाओं की पूर्ति के लिए दूसरा आयोग नियुक्त करेंगी ?

श्री एस. बी. चव्हाण : मैंने थोड़ी देर पहले इसका जवाब दिया है कि पहले हम कोशिश कर रहे हैं कि दोनों पार्टियां एक चीज को मान लें। अगर उनका कोई समझौता हो सकता है तो उसके ऊपर पहले और देखें। अगर हम इस नतीजे पर आये कि आपस में समझौता मुमकिल नहीं है तो दूसरा कमीशन मुकर्रर करने की बात आएगी लेकिन कठिनाई यह है कि मैथ्यू कमीशन की जो मुश्किलात हैं वह सामने न आयें।

टर्म्स आफ रेफरेंस दोनों पार्टियां कर सकें तो वह अच्छा रास्ता हो सकता है ।

श्री रामचन्द्र विकल : मैं गृह मंत्री जी से पूछना चाहता हूं कि भाषा के आधार पर इस सवाल को बहुत लम्बा समय हो गया । भाषा को किसी क्षेत्र में समेट कर बांधा नहीं जा सकता । हिन्दी भाषा पंजाब में भी हो सकती है, पंजाबी हरियाणा में भी हो सकती है, दिल्ली में भी है। तो क्या आर्थिक और प्रशासनिक दृष्टि से प्रांतों का पुनर्गठन हो, इस पर गवर्नमेंट सोच रही है क्योंकि भाषा की आधार पर, वर्ग के आधार पर, संकीर्णता देश में फैल रही है और इससे झगड़े बढ़ रहे है? क्या इस आधार को लेकर प्रशासनिक और आर्थिक दृष्टि से प्रांतों को बांटने की बात सरकार सोच रही है ?

MR. CHAIRMAN: No, the question is not relevant. Please sit down. Next. Mr. Matto.

SHRI GHULAM RASOOL MATTO: When the Punjab Accord was signed, almost all the parties of the House welcomed it. Now the Prune Minister is *oa* record having stated that we will abide by this accord both in letter spirit. Yesterday in an interview also he relirated this stand. Sir, I would like to ask me honourable Home Minister one thing. According to the accord, contiguity is one of the cardinal principles. So, will he assure this House the except with the previous consent of the both the parties his fundamental principle of contiguity will not be tampered with?

SHRI S. B. CHAVAN- I think I have made the position clear. Sir, I have made the position absolutely clear that we are going to implement the accdfd in letter and spirit and there is no question of going back on it. But, at the same time, whether a solution can be found within the framework of the accord avoiding, at the same time, the kind of difficulty with which the Mathew Commission was confronted with and whether both the parties can come to some kind of agreed terms of reference-—this is also another exercise which we are doing.

MR. CHAIRMAN; All right. Next Question. Question No, 62 has been transferred. Question No. 63.

*62. *[Tansferred to the 5th march,* 1986]

*63. *[The questioners (Shri Suraj Prosad and Shri N. E. Balaram) were absent for answer* vide *col* 29-30 infra

MR. CHAIRMAN: Question No. 64. Mr. Prashant

SHRI SUSHIL CHAND MOHUNTA: Sir, this is an important question and on this question, there shou'd be full discussion.

MR. CHAIRMAN: You can write * letter to me and I wiH consider it on merits. Yes, Mr. Prashant.

Submission of Memoranda .by State to Sarkaria Commission

*64. SHRI DHARAM . CHANDER PRASHANT: Will the Minister of HOME AFFAIRS be pleased to state:

(a) how many States have submitted their memoranda to the Sarkaria Commission on Centre-State relations; and

(bi how "many States did not co-operate with the Commission in providing their views on the subject?

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN); (a).jinji.{b) As on February 21, 1986, 16'Stafes have submitted their views to the Commission on Centre-State relations. Remaining 6 States Ihave to furnish their views.

SHRI DHARAM CHANDER PRASHANT: Sir, I would like to know the names of the States which have not submitted their memoranda to the Sarkaria Commission. With the non-operation of these States, will not the findings of the Commission remain imcomplete?

SHRI S. B. CHAVAN: Sir, the inference drawn by the honourable Member is not correct. It has wider terms cf reference and every State Government